

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CONNECTU LLC,

Plaintiff,

v.

C.A. No. 04-1923 (DPW)

MARK ZUCKERBERG, EDUARDO SAVERIN,
DUSTIN MOSKOVITZ, ANDREW McCOLLUM,
CHRISTOPHER HUGHES and THE FACEBOOK,
INC.,

Defendants.

CERTIFIED
COPY

VOLUME 1

VIDEOTAPED DEPOSITION OF CONNECTU LLC

BY CAMERON H. WINKLEVOSS

Boston, Massachusetts

Tuesday, August 9, 2005

9:44 a.m. to 5:27 p.m.

Reported by:

Jessica L. Williamson, RMR, RPR, CRR
Notary Public, CSR No. 138795

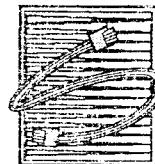
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P R O C E E D I N G S

THE VIDEOGRAPHER: We are recording

and are now on the record. Today's date is

August the 9th, 2005, and the time is 9:44

a.m. My name is George Dobrentey. I'm a

legal videographer for G & M Court

Reporters, Ltd. Our business address is 42

Chauncy Street, Suite 1A, Boston,

Massachusetts 02111.

This is the deposition of Cameron

Winklevoss in the matter of ConnectU vs.

Zuckerberg in the United States District

Court for the District of Massachusetts,

Civil Action No. 04-1923(DPW).

This deposition is being taken at One

International Place in Boston,

Massachusetts, on behalf of the defendant.

The court reporter is Jessica Williamson.

Counsel will state their appearances, and

the court reporter will administer the oath.

MR. CHATTERJEE: Neel Chatterjee

and Joshua Walker for all of the defendants

except for Eduardo Saverin.

MR. WALKER: Robert Hawk from

Heller Ehrman for Defendant Saverin.

09:44:59 1 MR. HORNICK: John Hornick and Troy
09:45:01 2 Grabow for the plaintiff, ConnectU.

3
4 CAMERON H. WINKLEVOSS,
5 a witness called on behalf of the Defendants
6 Mark Zuckerberg, Dustin Moskovitz, Andrew
7 McCollum, Christopher Hughes and The
8 Facebook, Inc., having first been duly
9 sworn, was deposed and testifies as follows:

10
11 DIRECT EXAMINATION

12
13 BY MR. CHATTERJEE:

09:45:10 14 Q. Mr. Winklevoss, thank you for coming today.
09:45:14 15 Do you understand that your deposition today
09:45:16 16 is you're testifying on behalf of ConnectU
09:45:19 17 LLC?

09:45:19 18 A. Yes.

09:45:19 19 Q. Have you ever had your deposition taken
09:45:21 20 before?

09:45:21 21 A. No.

09:45:22 22 Q. I'm going to go over some ground rules with
09:45:26 23 you, and I'm just going to ask you to make
09:45:29 24 sure you understand them. You may have gone
09:45:31 25 over them with your counsel before.

01:47:04 1 the website for dating is one sort of part
01:47:09 2 of the user functionability of the site.

01:47:36 3 Q. Isn't it true that Divya Narendra never
01:47:38 4 considered this information about a
01:47:39 5 university-based community confidential?

01:47:43 6 MR. HORNICK: I'll object to the
01:47:44 7 form of the question, but you can answer it.

01:47:46 8 A. No, I don't believe that he thought it
01:47:48 9 was -- I don't believe that that was true.
01:47:52 10 I believe that he did think that it was
01:47:53 11 confidential.

01:47:56 12 Q. Do you know who else Mr. Narendra talked to
01:48:00 13 about this website development project?

01:48:05 14 A. The only people that Divya have talked to in
01:48:09 15 terms of website project would have been
01:48:12 16 prospective programmers or programmers that
01:48:15 17 we had and people, perhaps close, trusted
01:48:23 18 friends maybe, to test parts of the site
01:48:29 19 were clearly instructed that it was
01:48:30 20 confidential, proprietary. And the only
01:48:34 21 other people would have been perhaps one or
01:48:38 22 two or maybe three prospective employers
01:48:41 23 that he was interviewing with who couldn't
01:48:44 24 possibly have been in a position to compete.

01:48:46 25 Q. With respect to these prospective employers,

01:48:51 1 how would they know that they need to keep
01:48:52 2 that information confidential?

01:48:53 3 A. I think, you know, he certainly could have
01:48:58 4 and would have instructed them that it was
01:49:04 5 confidential information, and I think it was
01:49:06 6 pretty clear that -- at that time period you
01:49:08 7 also have to remember that when he was
01:49:09 8 applying for jobs, we were given the
01:49:12 9 impression by Mr. Zuckerberg that the site
01:49:13 10 was close to launch in any event. So there
01:49:18 11 was -- it was inconceivable that they were
01:49:20 12 in a position to compete.

01:49:23 13 Q. Okay.

01:49:23 14 MR. HORNICK: I'll object that this
01:49:24 15 is outside the scope and not 30(b)(6)
01:49:25 16 testimony.

01:49:49 17 Q. Did you ever hear Mr. Narendra tell these
01:49:50 18 prospective employers that they should keep
01:49:54 19 the information confidential?

01:49:55 20 A. No, I --

01:49:57 21 MR. HORNICK: Objection. This is
01:49:59 22 not 30(b)(6) testimony. It's outside the
01:49:59 23 scope, but you can answer it.

01:50:03 24 A. I was not present during the employment
01:50:04 25 meeting, so, no, I did not hear.

01:50:06 1 MR. CHATTERJEE: Let's mark this as
01:50:07 2 Exhibit 8.
01:50:08 3 (Exhibit No. 8, E-mail, Bates No.
01:50:34 4 C004810, marked for identification.)
01:50:34 5 Q. Please read through this --
01:50:36 6 A. Sure.
01:50:36 7 Q. -- and let me know when you're done.
01:50:39 8 (Witness reviews document.)
01:51:42 9 MR. CHATTERJEE: Did I give you
01:51:43 10 one?
01:51:44 11 MR. HAWK: You did, yeah.
01:51:49 12 (Witness reviews document.)
01:51:54 13 A. All done.
01:51:56 14 Q. Mr. Winklevoss, do you know how many people,
01:51:59 15 prospective employers, or I'll use your
01:52:03 16 term, "close, trusted friends" Mr. Narendra
01:52:07 17 shared the HarvardConnection concept with?
01:52:09 18 A. I think that maybe two or three people at
01:52:14 19 major firms and maybe no more than a handful
01:52:20 20 of close friends. So I would say you could
01:52:23 21 probably count it on one to two hands.
01:52:26 22 Q. Could it be as high as 10 prospective
01:52:30 23 employers?
01:52:30 24 MR. HORNICK: Objection. Don't
01:52:32 25 speculate.

01:52:33 1 A. As I said, I'm aware that he --

01:52:35 2 MR. HORNICK: It's outside the

01:52:36 3 scope.

01:52:36 4 A. I'm aware --

01:52:38 5 MR. HORNICK: -- of the 30(b)(6)

01:52:39 6 testimony. Sorry.

01:52:40 7 A. I'm aware that he has talked to one -- I

01:52:44 8 believe one employer about it. I know that

01:52:45 9 for a fact. And I assume because he applied

01:52:49 10 to I think two or three jobs, that he would

01:52:53 11 have talked to two or three employers about

01:52:54 12 it.

01:52:55 13 Q. So it's at least two or three?

01:52:56 14 A. I would say two or three, yeah.

01:52:59 15 Q. Okay. And close, trusted friends,

01:53:01 16 approximately how many?

01:53:02 17 MR. HORNICK: Objection,

01:53:02 18 speculation. You can answer if you know.

01:53:05 19 A. I think probably two or three. I would say,

01:53:09 20 yeah, but, again I can't say for sure.

01:53:13 21 Q. Now, you said that there's one employer for

01:53:17 22 certain that you know he discussed it with.

01:53:20 23 Who is that?

01:53:20 24 A. I think that he had -- I think I recall a

01:53:23 25 meeting maybe when he was at Credit Suisse

01:53:25 1 that he might have talked to the employer
01:53:27 2 then. But, again, I think he had
01:53:32 3 conversations with two or three, but I don't
01:53:34 4 know.

01:53:34 5 Q. And do you know what friends he had the
01:53:37 6 conversations with?

01:53:37 7 A. Specifically, no. I mean, I think -- I
01:53:45 8 don't know specifically, no.

01:53:46 9 Q. What about Mr. Gao. Do you know if he
01:53:48 10 discussed this with any prospective
01:53:50 11 employers or any friends?

01:53:53 12 A. I don't know that. He may have. I don't
01:53:57 13 know.

01:53:58 14 Q. And do you know if he -- if Mr. Gao had any
01:54:02 15 discussions with people not affiliated with
01:54:05 16 HarvardConnection?

01:54:08 17 A. I could not say whether he did or not.

01:54:10 18 Q. What about Tyler Winklevoss?

01:54:12 19 A. I don't believe that Tyler did.

01:54:14 20 Q. So he's never had any conversations with --

01:54:17 21 A. Aside from -- aside from close -- like, as I
01:54:20 22 mentioned before, close friends, he may
01:54:22 23 have. Such as roommates may have said, "Oh,
01:54:27 24 what are you doing?" And he might have
01:54:28 25 said, "I'm working on a website," end of

01:54:31 1 story.

01:54:31 2 Q. With no additional detail beyond that?

01:54:33 3 A. No, I don't believe so.

01:54:34 4 Q. And what about you?

01:54:35 5 A. I believe the same way, yeah.

01:54:37 6 Q. So you haven't talked with anyone other

01:54:39 7 than --

01:54:40 8 A. Some close friends were aware that I was on

01:54:42 9 a website. They may have been aware that I

01:54:45 10 was involved with the Harvard Community, but

01:54:47 11 much more than that, no, I don't believe so.

01:54:53 12 Q. And what about Sanjay Mavinkurve?

01:54:56 13 A. To my knowledge, he has not spoken to

01:54:59 14 anybody.

01:55:01 15 Q. And what about Joe Jackson?

01:55:06 16 A. To my knowledge, he had not, either.

01:55:14 17 Q. But you don't know?

01:55:15 18 MR. HORNICK: Objection, don't

01:55:16 19 speculate. He gave you his answer.

01:55:17 20 A. I don't know.

01:55:19 21 Q. So if you can take a look at this document

01:55:22 22 we've marked as Exhibit 8.

01:55:24 23 A. Uh-huh.

01:55:24 24 Q. Are there any confidential information of

01:55:30 25 HarvardConnection that Mr. Narendra has

01:55:32 1 disclosed in this e-mail?

01:55:36 2 A. Well, I think basically Mr. Narendra
01:55:41 3 illustrates two potential possibilities of
01:55:45 4 use for the site. It's by no means all-
01:55:48 5 encompassing. I don't think he really
01:55:54 6 expounds on anything that -- on anything
01:56:01 7 proprietary here.

01:56:04 8 Q. So it's your -- so what you're saying is
01:56:07 9 there's nothing proprietary shared in this
01:56:09 10 e-mail?

01:56:10 11 A. Oh, well, you know, the whole -- the
01:56:30 12 nightclub, the local club thing seems like
01:56:33 13 that could be proprietary. The Harvard
01:56:36 14 bands and promotional thing could be
01:56:37 15 proprietary. With respect -- social hub
01:56:44 16 might be proprietary. But, again, this is a
01:56:48 17 close trusted friend. This is not somebody
01:56:52 18 who -- you know, this falls under the
01:56:55 19 individuals that I mentioned before.

01:56:56 20 Q. Do you know who this person is that was sent
01:56:59 21 this e-mail?

01:56:59 22 A. Yeah, I believe he's a close friend of
01:57:02 23 Divya's. And I think that -- I think that
01:57:06 24 he's an individual that could be trusted.

01:57:09 25 Q. And what's his name?

01:57:11 1 A. I believe the e-mail says it, Marko Soldo.

01:57:14 2 Q. Do you know him?

01:57:15 3 A. I do know him.

01:57:15 4 Q. So how do you spell his name?

01:57:18 5 A. M-A-R-K-O, S-O-L-D-O.

01:57:22 6 Q. And do you know where he is now?

01:57:24 7 A. He could be anywhere in the world. I don't

01:57:28 8 know. He's not -- I don't -- I think he's

01:57:34 9 Croatian perhaps and I don't know where he

01:57:35 10 is.

01:57:36 11 Q. Do you know if there are any follow-on

01:57:38 12 discussions from this e-mail?

01:57:38 13 A. Not that I'm aware of, I don't believe so.

01:57:48 14 Q. Do you know why Mr. Narendra wrote this

01:57:50 15 e-mail?

01:57:50 16 A. As I said, you know, we may have talked --

01:57:57 17 you know, mentioned it to a friend or two

01:57:59 18 for testing of some sort, and it's possible

01:58:03 19 that Divya wanted to hear his input in a

01:58:09 20 trusted environment.

01:58:11 21 Q. You've used this term, "trusted

01:58:15 22 environment." What do you mean by that?

01:58:16 23 A. I just mean that, as I said, close friends,

01:58:19 24 you know, that were aware that this was a

01:58:22 25 closely guarded project.

01:58:24 1 Q. Is there anything on that e-mail that
01:58:26 2 suggests to you that the information is
01:58:29 3 confidential?

01:58:30 4 A. I don't see anything in this e-mail that
01:58:36 5 specifically says confidential.

01:58:40 6 MR. CHATTERJEE: Okay. Let's mark
01:58:41 7 this as Exhibit No. 9.

01:58:43 8 (Exhibit No. 9, E-mail, Bates No.
01:59:00 9 C004820, marked for identification.)

01:59:00 10 Q. Take a look at it, and let me know when
01:59:02 11 you're done.

01:59:03 12 (Witness reviews document.)

01:59:34 13 A. Uh-huh.

01:59:34 14 Q. Do you know who Suzanne R. is?

01:59:36 15 MR. HORNICK: Just I'll object that
01:59:38 16 this is outside the scope, and it's not
01:59:40 17 30(b)(6) testimony. You can continue.

01:59:41 18 A. I believe that -- I think this lady is a
01:59:45 19 potential employer.

01:59:46 20 Q. And why do you think that?

01:59:47 21 A. Because it sounds like she's giving a
01:59:54 22 presentation to people at Harvard and
01:59:56 23 there's the mention of a resume and offer of
02:00:00 24 suggestions, so...

02:00:01 25 Q. So you're surmising it from the content of

1 In the United States District Court
2 For the District of Massachusetts

3 I, Jessica L. Williamson, Registered,
4 Merit Reporter, Certified Realtime Reporter
5 and Notary Public in and for the
6 Commonwealth of Massachusetts, do hereby
7 certify that CAMERON H. WINKLEVOSS, the
8 witness whose deposition is hereinbefore set
9 forth, was duly sworn by me and that such
10 deposition is a true record of the testimony
11 given by the witness.

12 I further certify that I am neither
13 related to or employed by any of the parties
14 in or counsel to this action, nor am I
15 financially interested in the outcome of
16 this action.

17 In witness whereof, I have hereunto set
18 my hand and seal this 11th day of August,
19 2005.

20

21

Jessica L. Williamson

22

23

Jessica L. Williamson, RMR, RPR, CRR

24

Notary Public, CSR No. 138795

25

My commission expires: 12/18/2009